
By: **Delegate Barve**
Introduced and read first time: February 21, 2001
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Accidental Injury - Arising Out of Employment**

3 FOR the purpose of defining "arise out of employment" under the State's workers'
4 compensation law; clarifying when an injury does not arise out of employment
5 and is not compensable; and defining "traveling employee".

6 BY repealing and reenacting, with amendments,
7 Article - Labor and Employment
8 Section 9-101
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2000 Supplement)

11 BY adding to
12 Article - Labor and Employment
13 Section 9-501(c)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Labor and Employment**

19 9-101.

20 (a) In this title the following words have the meanings indicated.

21 (b) "Accidental personal injury" means:

22 (1) an accidental injury that arises out of and in the course of
23 employment;

24 (2) an injury caused by a willful or negligent act of a third person
25 directed against a covered employee in the course of the employment of the covered
26 employee; or

1 (3) a disease or infection that naturally results from an accidental injury
2 that arises out of and in the course of employment, including:

3 (i) an occupational disease; and

4 (ii) frostbite or sunstroke caused by a weather condition.

5 (C) "ARISE OUT OF EMPLOYMENT" MEANS TO RESULT FROM AN OBLIGATION,
6 CONDITION, OR INCIDENT OF EMPLOYMENT.

7 [(c)] (D) "Child" includes:

8 (1) an adopted child;

9 (2) an illegitimate child;

10 (3) a posthumous child; and

11 (4) a stepchild.

12 [(d)] (E) "Commission" means the State Workers' Compensation Commission.

13 [(e)] (F) (1) "Compensation" means the money payable under this title to a
14 covered employee or the dependents of a covered employee.

15 (2) "Compensation" includes funeral benefits payable under this title.

16 [(f)] (G) "Covered employee" means an individual listed in Subtitle 2 of this
17 title for whom a person, a governmental unit, or a quasi-public corporation is
18 required by law to provide coverage under this title.

19 [(g)] (H) "Occupational disease" means a disease contracted by a covered
20 employee:

21 (1) as the result of and in the course of employment; and

22 (2) that causes the covered employee to become temporarily or
23 permanently, partially or totally incapacitated.

24 (I) "TRAVELING EMPLOYEE" MEANS A COVERED EMPLOYEE WHO IS AWAY
25 FROM HOME OVERNIGHT FOR THE PURPOSE OF FURTHERING THE EMPLOYER'S
26 BUSINESS PURPOSE.

27 9-501.

28 (C) AN INJURY INCURRED BY AN EMPLOYEE, INCLUDING A TRAVELING
29 EMPLOYEE, DOES NOT ARISE OUT OF EMPLOYMENT AND IS NOT COMPENSABLE IF:

30 (1) THE EMPLOYMENT WAS NOT A CONTRIBUTING PROXIMATE CAUSE;
31 AND

1 (2) THE RISK OF THE INJURY OCCURRING WAS NOT GREATER WHILE
2 THE EMPLOYEE WAS ENGAGED IN THE COURSE OF EMPLOYMENT THAN IT WOULD
3 HAVE BEEN WHILE THE EMPLOYEE WAS ENGAGED OUTSIDE THE COURSE OF
4 EMPLOYMENT.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2001.